

REMARKS

This Response is submitted in response to the Office Action dated January 8, 2004. Claims 5, 7, 9, 13, 14 to 17, 20 to 25, 33 to 45 and 47 have been canceled without prejudice or disclaimer. Claims 1 to 4, 6, 8, 10 to 12, 18 and 19 stand previously canceled without prejudice or disclaimer. Claims 26 to 32, 46, 48 and 49 stand allowed. New Claims 50 to 57 have been added. No new matter has been added.

No fee is due in connection with this Response. However, if a fee is due, please charge deposit account number 02-1818 for any insufficiency of payment.

The Office Action rejected Claims 5, 7, 14 to 17 and 22 to 24 under 35 U.S.C. §103 as being anticipated by Yoseloff in view of Demar. Applicants respectfully disagree with these rejections because the gaming device resulting from the combination of Yoseloff and Demar does not disclose, teach or suggest the method of operating a gaming device as the rejected Claims. Nonetheless, in order to place this application in condition for allowance, Applicants have canceled Claims 5, 7, 14 to 17 and 22 to 24. Applicants respectfully reserve the right to prosecute the canceled Claims 5, 7, 14 to 17 and 22 to 24 in one or more divisional or continuation applications. Accordingly, Applicants' cancellation of such Claims shall not constitute any prejudice or disclaimer with respect to the patentability of such Claims.

The Office Action rejected Claims 9, 13, 25, 33 and 34 under 35 U.S.C. §103(a) as being unpatentable over Yoseloff in view of Demar and in further view of Vancura. Applicants respectfully disagree with these rejections because the gaming device resulting from the combination of Yoseloff, Demar and Vancura does not disclose, teach or suggest the method of operating a gaming device as the rejected Claims. Nonetheless, in order to place this application in condition for allowance, Applicants have canceled Claims 9, 13, 25, 33 and 34. Applicants respectfully reserve the right to prosecute the canceled Claims 9, 13, 25, 33 and 34 in one or more divisional or continuation applications. Accordingly, Applicants' cancellation of such Claims shall not constitute any prejudice or disclaimer with respect to the patentability of such Claims.

The Office Action rejected Claims 20, 35 to 45 and 47 under 35 U.S.C. §103(a) as being unpatentable over Yoseloff in view of Let's Make A Deal and in further view of

Demar. Applicants respectfully disagree with these rejections because the gaming device resulting from the combination of Yoseloff, Let's Make A Deal and Demar does not disclose, teach or suggest the method of operating a gaming device as the rejected Claims. Nonetheless, in order to place this application in condition for allowance, Applicants have canceled Claims 20, 35 to 45 and 47. Applicants respectfully reserve the right to prosecute the canceled Claims 20, 35 to 45 and 47 in one or more divisional or continuation applications. Accordingly, Applicants' cancellation of such Claims shall not constitute any prejudice or disclaimer with respect to the patentability of such Claims.

Similar to allowed independent Claim 26, new independent Claim 50 is directed to a gaming device including a display device and a processor operable with the display device. In the gaming device of independent Claim 50, after accepting an input designating a player's decision to risk a currently held award to try for a higher value award, the processor is operable to, increase the currently held award by at least one increment to form an increased award, wherein the increment is randomly determined from at least one predetermined range which is based on the higher value award, display the increased award to the player, without revealing a determination of the player's success at obtaining the higher value award, enable the player to input a decision to keep the increased award or to risk losing the increased award to try for the higher value award and perform a terminating event if the player inputs the decision to keep the increased award. Applicants respectfully submit that new Claim 50 is in condition for allowance.

Moreover, Applicants respectfully submit that new dependent Claims 51 to 56, which depend directly or indirectly from Claim 50 are in condition for allowance.

Similar to allowed independent Claim 48, new independent Claim 57 is directed to a gaming device including a display device and a processor. The processor is operable with the display device to display a currently held award to a player, enable the player to input a decision to keep the currently held award or to risk losing the currently held award to try for a higher value award, wherein the inputted decision to try for the higher value award can produce a successful outcome or an unsuccessful outcome for the player and display and provide the currently held award to the player if the player

inputs the decision to keep the currently held award. If and after the player inputs the decision to try for the higher value award, the processor is operable to randomly determine whether the successful outcome or the unsuccessful outcome occurs and provide the higher value award to the player if the successful outcome occurs. If the unsuccessful outcome occurs, the processor is operable to randomly determine whether to increase the currently held award based on a probability and display and provide an award less than the currently held award to the player if the determination is not to increase the currently held award. If the determination is to increase the currently held award, the processor is operable to increase the currently held award and enable the player to input a decision to keep the increased currently held award or to input a decision to risk losing the currently held award to try for the higher value award, display and provide the increased currently held award to the player if the player inputs the decision to keep the increased currently held award, and if and after the player inputs the decision to try for the higher value award instead of the increased currently held award, randomly determine whether to provide the higher value award to the player, and display and provide the higher value award or an award less than the increased currently held award to the player based on such determination. Applicants respectfully submit that new Claim 57 is in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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